



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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<b>The Board</b>		28 September 2004
About the Board	<b>TUR43000.E</b>	
Biographies		
Organization Chart	Turkey: Forced marriage in Turkey; outcome when a woman refuses to marry the designated man; outcome when a woman elopes with another man; attitude of state and availability of state protection (July 2001 -September 2004)	
Employment	Research Directorate, Immigration and Refugee Board, Ottawa	
Legal and Policy		
References		
Publications	On 1 January 2002, a new Turkish Civil Code that enshrined the equality of men and women within the family came into force ( <i>MEI</i> 11 Jan. 2002; <i>Country Reports 2002 31 mar. 2003, Sec.4; Women's Enews</i> 13 Jan. 2002; WWHR Apr. 2002; Panos 4 Jan. 2002). In a 2002 report, the Istanbul-Based non-governmental organization Women for Women's Human Rights (WWHR) indicated that the new Code, by abrogating the inferior status of women in the family as stated in the previous (1926) Civil Code, embodies a "new approach to the family and to women's role in the family" (Apr. 2002). This information is corroborated by two sources that refer respectively to "revolutionary changes" and "profound effect on the lives of Turkish Women" brought about by the introduction of the new Civil Code ( <i>Women's Enews</i> 13 Jan. 2002; <i>MEI</i> 11 Jan. 2002).	
<b>Tribunal</b>		
Refugee Protection Division		
Immigration Division		
Immigration Appeal Division		
Decisions		
Forms		
Statistics		
<b>Research</b>		
Research Program	Although identified as a significant step in progress towards gender equality, the revised Civil Code is not perceived as a panacea to end gender discrimination and violations of women's rights in a country where historically customs and religious practices have controlled the lives of women and have accorded male family members the rights to make decisions, including those about forced or early marriages, concerning the lives of female family members (WWHR Apr. 2002; <i>MEI</i> 11 Jan. 2002; Panos 4 Jan. 2002).	
National Documentation Packages		
Issue Papers and Country Fact Sheets	<b>Forced marriages</b>	
Responses to Information Requests	A 2004 Amnesty International (AI) report on violence against women in Turkey indicates the following distinction between forced and arranged marriages:	
Recent Research		
<b>Media Centre</b>		
News	Forced marriage, in contrast to arranged marriage, has been described as 'any marriage conducted without the valid consent of both parties and [which] may involve coercion, mental abuse, emotional blackmail, and intense family or social pressure. In the most extreme cases, it may also involve physical violence, abuse, abduction, detention, and murder of the individual concerned' (2 June 2004).	
Information Sheets		
Media Relations		
<b>Proactive Disclosure</b>		
	Based on research in the eastern and southeastern regions of Turkey, WWHR reported that 50.8 per cent of women "were married without their consent although the consent of both the woman and the man is a precondition for marriage according to Turkish Law" (Apr. 2002). Corroborating information on the prevalence	

of forced marriage in Turkey could not be found among the sources consulted by the Research Directorate.

Amnesty International characterizes forced marriage as a form of violence against women by family members, that takes various expressions within Turkish Society: "early marriage, *berdel* (the barter of women to avoid paying dowries and other marriage expenses) and *besik kertmesi* (a form of arranged marriage in which families barter newborn daughters, forcing them to marry as soon as they are considered old enough)" (2 June 2004).

Young girls living in rural areas, specifically in eastern Anatolia, face difficulties, in trying to oppose forced marriage since under tribal custom they are considered the property of either their father before marriage or by their husband afterwards and if they resist social pressure from the community, "they do so at their peril" (MEI 11 Jan.2002). Similarly, according to one of the leaders of WWHR, rural women are likely to be marginalized in the context of changes induced by the new Civil Code, including the raising of the legal age for marriage to 18, as they "must contend with traditions and customs, [including underage marriage] that have little to do with the legislative revisions their urban sisters enjoy" (Women's Enews 13 Jan. 2002).

However, an article published by the London-based non-governmental organization Panos Institute in January 2002, indicated that child marriage did not exist only in "Turkey's conservative heartland". The same article reported "the story of a school in the Europeanised west of the country where more than 20 girls aged between 10 and 13 had been married off in exchange for bride price" that took place just after the new Civil Code took effect (Panos 4 Jan.2002). *Middle East International* (MEI) reported in January 2002 that many arrests were made by the authorities of the Western province of Aydin after finding that a large group of girls between ages 10 and 14 were being deprived of schooling due to forced early marriages (11 Jan. 2002).

According to Amnesty International, early marriages are tied to the level of education of a girl as well as to the economic situation of her family: "The lower her family's income and her level of education, the more likely she is to be forced into an early marriage" (AI 2 June 2004). This information could not be corroborated by sources consulted by the Research Directorate.

Amnesty International pointed out that forced marriages can also be a means to get a remission in cases of sexual assault, rape or abduction (2 June 2004). Prohibiting such practice was part of the debate around the draft revised Turkish Penal Code (AI 2 June 2004; BBC 15 Sept. 2004). In a analysis of the new Turkish Penal Code draft Law, WWHR calls on Turkish authorities to suppress Articles 326 (Active Penitence and Mitigating Circumstances) and 327 (Active Penitence Necessitating the Suspension of Criminal Proceedings or the Sentence) from the draft Law as they would allow such a practice to continue (2003).

Opposing forced marriage can lead to death (AI 2 June 2004). A high rate of suicide is reported among young girls forced into marriages (*Country Reports 2003* 25 Fe. 2004; Sec.4). No additional information on the consequences of refusal to forced marriages could be found among the sources consulted by the Research Directorate.

No information specific to elopement could be found among the sources consulted by the Research Directorate.

### **Extra-marital relations**

Although under Turkish law there is nothing to prevent couples from cohabitating without being married, women living outside urban centres are exposed to intense social pressure profiling extra-marital relationships as a taboo

(WWHR Apr. 2002).

Honour killings of those suspected of being involved in extra-marital illicit relationships is a widespread practice in southeastern and eastern regions of Turkey inhabited mainly by Kurds (*Off Our Backs* Mar. 2000). According to *The Guardian*, the southeastern region of Turkey, where "female[s] fall victim to customs dating back generations" is where honour killings most often occur (5 July 2004).

A human rights activist interviewed by Radio Netherlands stated that honour killings are widely practised within Turkey, and indicated that "[o]ver the past year [2003], at least 10 cases were covered by the media, and these are only the ones we hear of in public. There are lot which probably do not reach us." (1 Sept. 2004).

In 2004, a 24-year-old unmarried woman from the poor and conservative south-east region of Turkey was shot to death allegedly by her brother, because she was pregnant out of wedlock (*Women's Enews* 23 July 2004). In 2003, a 22-year-old woman from south-east Turkey, who was denied police protection, was shot to death because she was involved in an extra-marital relationship (*The Observer* 12 Sept. 2004). Other specific cases of honour killings could not be found among the sources consulted by the Research Directorate.

However, Amnesty International reported that in 2003 and 2004, life sentences were imposed for the first time in cases of honour killings (2 June 2004). Life sentence could be embedded in the legal framework: as at mid-September 2004, the Turkish Parliament has "approved an article that asked for a life sentence for those convicted of honour killings" in the context of the ongoing debate around the new Turkish Penal Code. (*Turkish Daily News* 16 Sept. 2004).

Further, an ongoing intense debate sparked over the criminalization of adultery is widely covered by sources consulted by the research Directorate (*The New York Times* 20 Sept. 2004; *ibid.* 17 Sept. 2004; BBC 16 Sept. 2004; *ibid.* 15 Sept. 2004; *The Independent* 21 Sept. 2004; *The Turkish Daily News* 16 Sept. 2004; *ibid.* 15 Sept. 2004; *The Times* 20 Sept. 2004; *Le Monde* 15 Sept. 2004; RFI 14 Sept. 2004; *The Guardian* 6 Sept. 2004). On 15 September 2004, the Prime Minister of Turkey, caught between its conservative base pushing him towards the criminalization of adultery and the directives of the European Union (EU) which Turkey wants to join, had revoked not only the controversial proposed adultery law, but also the entire Penal Code reform in order to "further study it", which threatened to compromise its membership to the EU (*The New York Times* 20 Sept. 2004; *ibid.* 17 Sept. 2004; BBC 16 Sept. 2004; *The Times* 20 Sept. 2004; *The Independent* 21 Sept. 2004).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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**Internet sites, including:** European Country of Origin Information Network (ECOI), Dialog, Human Rights Association of Turkey, Human Rights Foundation of Turkey (HRFT), , Human Rights Watch (HRW), Integrated Regional Information Networks (IRIN), International Helsinki Federation for Human Rights, Women Watch, Women Living Under Muslims Laws.

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